IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.10320 of 2008
PINTU KUMAR
Versus
THE STATE OF BIHAR
---

2. 8.7.2008. Heard the counsel for the petitioner and counsel appearing on behalf of the State.

The petitioner has challenged the order of cognizance passed on 16.11.2006 by which cognizance has been taken under Sections 147,148,149,452,380,376,511 of the Indian penal Code and Section ¾ of the Dyne Act.

Learned counsel for the petitioner submits that the petitioner had earlier filed a case against the informant/complainant of this case alleging that she was trying to take over the land belonging to a School and in that process had committed theft. It is also submitted on behalf of the petitioner that a Title Suit No. 74 of 2006 is pending in which the complainant and his witnesses are the defendant nos. 8 to 10.

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At this stage, this Court can only consider whether a prima case is made out or not and can not look into the motive behind filing of this case.

All these questions can be raised on behalf of the petitioner at the time of framing of charges.

This application is accordingly dismissed.

U.K. **(Sheema Ali Khan,J)**